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UNIVERSITY OF HAWAI'I AT HILO

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DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

Contested Case Hearing Re Conservation
District Use Application (CDUA) HA-3568 for
the Thirty Meter Telescope at the Mauna Kea
Science Reserve, Ka'ohē Mauka, Hāmākua,
Hawai'i, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

**[PROPOSED] MINUTE ORDER NO. ____ DENYING TEMPLE OF LONO
REQUEST FOR WITNESS SUBPOENA
FOR DAVID LASSNER, PRESIDENT
OF THE UNIVERSITY OF HAWAI'I
SYSTEM [DOC. 438] AND GRANTING
THE UNIVERSITY OF HAWAI'I AT
HILO'S MOTION TO QUASH TEMPLE
OF LONO REQUEST FOR WITNESS
SUBPOENA FOR DAVID LASSNER,
PRESIDENT OF THE UNIVERSITY OF
HAWAI'I SYSTEM, FILED JANUARY 8,
2017 [DOC. 445]; CERTIFICATE OF
SERVICE**

**[PROPOSED] MINUTE ORDER NO. ____ DENYING TEMPLE OF LONO
REQUEST FOR WITNESS SUBPOENA FOR DAVID LASSNER, PRESIDENT OF
THE UNIVERSITY OF HAWAI'I SYSTEM [DOC. 438] AND GRANTING THE
UNIVERSITY OF HAWAI'I AT HILO'S MOTION TO QUASH TEMPLE OF LONO
REQUEST FOR WITNESS SUBPOENA FOR DAVID LASSNER, PRESIDENT OF
THE UNIVERSITY OF HAWAI'I SYSTEM, FILED JANUARY 8, 2017 [DOC. 445]**

On January 8, 2017, the Temple of Lono ("Temple") filed its *Request for Witness*

Subpoena for David Lassner, President of the University of Hawai‘i System [Doc. 438]

(“**Request**”). On January 19, 2017, Applicant University of Hawai‘i at Hilo (“**University**”) timely filed its responsive *Motion to Quash Temple of Lono’s Request for Witness Subpoena for David Lassner, President of the University of the Hawai‘i System, filed January 8, 2017* [Doc. 445] (“**Motion**”). No other pleadings were filed concerning the Temple’s Request or the University’s Motion.

On January 25, 2017, the Request and the Motion came on for hearing in Hilo, Hawai‘i at the Grand Naniloa Hotel, 93 Banyan Drive. The following parties and/or party representatives entered appearances on January 25, 2017:

John P. Manaut, Esq. and Ian L. Sandison, Esq., for the University;
Harry Fergerstrom;
Deborah Ward;
Kealoha Pisciotta, in her individual capacity and for Mauna Kea Anaina Hou and Paul Neves (“**MKAH**”);
Clarence Kukauakahi Ching;
E. Kalani Flores and B. Pualani Case, for the Flores-Case Ohana;
Dexter Kaiama, Esq. for The Hawaiian-Environmental Alliance (“**KAHEA**”);
Ross Shinyama, Esq. and Brian Kang, Esq. for TMT International Observatory, LLC. (“**TIO**”);
Lanny Alan Sinkin for the Temple ;
Lincoln Ashida, Esq. for Perpetuating Unique Educational Opportunities Inc. (“**PUEO**”) with Keahi Warfield;
Mehana Kihoi in her individual capacity and for Leina‘ala Sleightholm;;
Dwight J. Vicente;
Cindy Freitas;
William Freitas; and
Wilma Holi (witness)

At the hearing, oral argument was made by Lanny Alan Sinkin for the Temple and Ian L. Sandison for the University.

Having duly considered the Request, the Motion, all related oral submissions, the

Proposed Minute Order and all submissions related thereto, all applicable law, and the entire record herein, and for good cause shown, the Hearing Officer finds that the Request seeks testimony that is irrelevant and/or immaterial to these proceedings, and as such,

IT IS HEREBY ORDERED that the Request is DENIED and the Motion is GRANTED.

DATED: Honolulu, Hawai'i, February __, 2017.

Judge Riki May Amano (Ret.)
Hearing Officer

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

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Case No. BLNR-CC-16-002

CERTIFICATE OF SERVICE

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The undersigned certifies that the above-referenced document was served upon the
following parties by email unless indicated otherwise:

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DATED: Honolulu, Hawai'i, February 1, 2017.



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